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**DOUGLAS COUNTY ADMINISTRATIVE  
POLICIES AND PROCEDURES**

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**EFFECTIVE DATE:** 04/14/88  
**REVISED:** 11/5/98, 4/4/00, 8/3/00,  
09/21/00, 12/19/02, 06/05/03,  
11/03/11  
**AUTHORITY:** BOC  
**COUNTY MANAGER:**   
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**SUBJECT: SEXUAL HARASSMENT / SEXUAL MISCONDUCT / ANTI-HARASSMENT**

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- I. PURPOSE:** To establish a policy on the County's position and practice regarding sexual harassment and anti-harassment in the workplace and to provide employees with a defined avenue for reporting and resolving harassment in the workplace.
- II. POLICY:** Douglas County is committed to providing a work environment that is free of discrimination and harassment. In keeping with this commitment, the County maintains a strict policy prohibiting unlawful harassment, including sexual harassment. The County condemns all forms of harassment including sexual harassment in the workplace and acknowledges that such conduct violates Title VII of the Civil Rights Act. This policy is intended to deal with unwelcome harassment and sexual conduct and does not apply to consensual conduct. Harassment of any type may be grounds for immediate and appropriate disciplinary action up to and including termination.
- A. DEFINITIONS:**
1. Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. For purposes of this policy, all references to sexual harassment apply to its occurrence inside and outside the workplace at any County facility and/or while in an official work capacity.
  2. Harassment includes offensive communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, invitations, unwanted sexual advances, or sexually degrading or suggestive words or comments.
  3. Offensive written communication includes notes, letters, notices, emails, texts, or any other offensive message sent by electronic means and are all prohibited.
  4. Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures are prohibited.
  5. Physical contact when the action is unwelcome by the recipient includes brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement and is all prohibited conduct.
  6. Explicit: Definite and/or clearly stated.
  7. Implicit: Implied; capable of being understood for something else (i.e., photos, notes, cards, e-mail, gifts) or through non verbal or unexpressed conduct.

- B. **MANAGEMENT RESPONSIBILITY:** Management at all levels of the County is responsible for preventing all harassment in the workplace. This responsibility includes immediately reporting conduct by anyone, whether a co-worker, supervisor or non-employee that may constitute harassment or misconduct to the District Attorney, County Manager or Human Resources Manager, even if the conduct was sanctioned and regardless of how awareness was obtained.
1. Physical or verbal sexual harassment will be deemed to occur when:
    - Submission to such conduct is explicitly or implicitly a term or condition of employment.
    - Submission to or rejection of such conduct is used as a basis for decisions affecting employment conditions, including but not limited to wages, shift and work assignments, changes in position status (promotion/demotion), and transfers.
    - Such behavior has the purpose or affect of unreasonably interfering with an individual's performance on the job or creating a hostile work environment.
  2. Sexual harassment does not have protected gender nor position parameters. Inappropriate behavior will not be tolerated.
  3. Employees who claim to be the victim of sexual harassment are urged to clearly notify the alleged perpetrator that his/her advances or conduct is considered unwelcome. Employees may avail themselves of the Sexual Harassment Complaint Procedure without fear of coercion, intimidation, or reprisal.
  4. Examples of prohibited conduct include but are not limited to:
    - Offering or implying an employment related reward in exchange for sexual favors or submission to sexual conduct.
    - Threatening or taking a negative employment action if sexual conduct is rejected.
    - Unwelcome sexual advances or repeated flirtations.
    - Unwelcome intentional touching of another person or other unwanted intentional physical contact.
    - Unwelcome whistling, staring or leering at another person.
    - Asking unwelcome personal questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships or appearance.
    - Unwelcome sexually suggestive or flirtatious gifts, letters, notes, E-mail or voice mail.
    - Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of that person's gender.
    - Displaying or circulating pictures, objects or materials that are sexually suggestive or sexually oriented, or that demean or show hostility to a person because of the person's gender.

**III. PROCEDURE:****A. EMPLOYEES:**

1. An employee who believes that he or she has been subjected to or witnessed sexual or non-sexual harassment by anyone is encouraged but not required to promptly tell the person that the conduct is unwelcome, undesirable, and offensive and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting or complaining about the conduct.
2. The employee may choose to raise the complaint to a supervisor or department head, which will in turn inform the District Attorney, Human Resources Manager or County Manager. If the employee, for any reason, does not wish to raise the complaint with a supervisor or department head, the employee may bypass the supervisor or department head and directly report the complaint to the Human Resources Manager, the District Attorney, or the County Manager.
3. If a separating employee raises a complaint of possible harassment or criminal activity during an exit interview, the interview will be halted and a District Attorney investigator will be contacted to complete an interview concerning the alleged conduct. If no investigator is available, the separating employee will be requested to state the allegations on tape and will be advised that further investigation will be conducted by the County.

**B. SUPERVISORS:**

1. After receiving any employee's complaint of harassment, the supervisor will immediately contact the Human Resources Manager, the District Attorney, or the County Manager. If a supervisor has not received a complaint but suspects that conduct the supervisor witnessed or becomes aware of might constitute harassment, the supervisor will immediately contact at least one of the same three officials. The supervisor will report the conduct regardless of how the supervisor became aware of the conduct and even if the suspected harassment was sanctioned or involves persons who work in a department other than the supervisor's.

**C. INVESTIGATION AND RESOLUTION:**

1. After receipt of complaint from an employee, a supervisor or department head, an exit interview, or other source, the Human Resources Manager, the District Attorney, and the County Manager will meet to discuss the gravity and complexity of the complaint and the allocation of resources to investigate it.  
The department head will be notified after a complaint is filed, or an exit interview is taped or conducted in accordance with III.A.3., if further investigation is proposed to be initiated.
2. After the investigation has been completed, disposition of the case will be determined by the involved appointing authority in conjunction with the Human Resources Manager, the District Attorney, and the County Manager. Any appropriate disciplinary action, up to and including termination, will be imposed.

**D. CONFIDENTIALITY:**

1. All complaints will be handled as confidentially as circumstances and applicable law allows.

**IV: PROHIBITION AGAINST RETALIATION**

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The employer will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer (Human Resources Manager) or the alternate. The employer will promptly investigate and deal appropriately with any allegation of retaliation.

11/03/11